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5  
6 UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

7 MARIA A. LIPSCOMB, )  
8 )  
Plaintiff, )  
9 ) No.  
vs. )  
10 )  
COMMERCIAL RECOVERY SYSTEMS, )  
11 INC., a foreign corporation )  
12 )  
Defendant. )  
13 ) JURY DEMANDED

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14 COMPLAINT

15 JURISDICTION

16 1. The jurisdiction of this Court attains pursuant to the  
FDCPA, 15 U.S.C. § 1692k(d), 28 U.S.C. § 1331, 28 U.S.C. § 1332,  
17 and the doctrine of supplemental jurisdiction. Venue lies in the  
18 Southern Division of the Judicial District of Nevada as Plaintiff's  
19 claims arose from acts of the Defendant(s) perpetrated therein.

21 PRELIMINARY STATEMENT

22 2. This action is instituted in accordance with and to  
remedy Defendant's violations of the Federal Fair Debt Collection  
23 Practices Act, 15 U.S.C § 1692 et seq. (hereinafter "FDCPA"), and  
24 of related state law obligations brought as supplemental claims  
25 hereto.

3. In 2011, Defendant initiated a campaign of abusive, unfair, unreasonable, and unlawful debt collection activity directed against Plaintiff in Las Vegas, Nevada.

4. As a result of these and other violations of law, Plaintiff seeks hereby to recover actual and statutory damages together with reasonable attorney's fees and costs.

## PARTIES

5. Plaintiff, MARIA A. LIPSCOMB, is a natural person who resides in Las Vegas, Nevada, and is a "consumer" as defined by 15 U.S.C. Section 1692a(3) and allegedly owes a "debt" as defined by 15 U.S.C. Section 1692a(5).

6. Defendant, COMMERCIAL RECOVERY SYSTEMS, INC., is a foreign corporation, the principal purpose of whose business is the collection of debts, operating a debt collection agency from its principal place of business in Dallas, TX, and regularly collects or attempts to collect debts owed or due or asserted to be owed or due another, and is a "debt collector" as defined by 15 U.S.C. Section 1692a(6).

## FACTUAL ALLEGATIONS

7. Plaintiff(s) repeat, reallege and assert all factual allegations contained in the preliminary statement to this Complaint and reassert them as incorporated in full herein.

8. Plaintiff teaches nursing classes at Everest College.

9. On July 1, 2011, Plaintiff was dunned by Defendant "Exhibit 1".

1           10. On or about August 15, 2011, Plaintiff called Defendant  
2 in an effort to resolve the underlying account.

3           11. Plaintiff asked to speak with Ms. Sherman.

4           12. Defendant's representative indicated she was Ms.  
5 Sherman's supervisor.

6           13. When Plaintiff started to speak to initiate settlement  
7 discourse, Defendant's representative screamed at her in violation  
8 of FDCPA § 1692d.

9           14. Defendant's representative also called Plaintiff a  
10 "stupid idiot" likewise in violation of FDCPA § 1692d.

11          15. Defendant's representative then threatened Plaintiff with  
12 garnishment of thirty-five percent (35%) of her wages if Plaintiff  
13 didn't pay by the end of August, 2011.

14          16. Defendant's threat was in violation of FDCPA §§ 1692e and  
15 1692e(5), *Kuhn v. Account Control Technology, Inc.*, 865 F.Supp.  
16 1443, 1450-51 (D.Nev. 1994).

17          17. The foregoing acts and omissions of Defendant were  
18 undertaken by it willfully, maliciously, and intentionally,  
19 knowingly, and/or in gross or reckless disregard of the rights of  
20 Plaintiff.

21          18. Indeed, the foregoing acts and omissions of Defendant  
22 were undertaken by it indiscriminately and persistently, as part of  
23 its regular and routine debt collection efforts, and without regard  
24 to or consideration of the identity or rights of Plaintiff.

25          19. As a proximate result of the foregoing acts and omissions  
26 of Defendant, Plaintiff has suffered actual damages and injury,  
27 including, but not limited to, stress, humiliation, mental anguish

1 and suffering, and emotional distress, for which Plaintiff should  
2 be compensated in an amount to be proven at trial.

3       20. As a result of the foregoing acts and omissions of  
4 Defendant, and in order to punish Defendant for its outrageous and  
5 malicious conduct, as well as to deter it from committing similar  
6 acts in the future as part of its debt collection efforts,  
7 Plaintiff is entitled to recover punitive damages in an amount to  
8 be proven at trial.

## **CAUSES OF ACTION**

COUNT I

12       21. The foregoing acts and omissions of Defendant constitute  
13 violations of the FDCPA, including, but not limited to, Sections  
14 1692d, 1692e, and 1692f.

15           22. Plaintiff is entitled to recover statutory damages,  
16 actual damages, reasonable attorney's fees, and costs.

COUNT II

19           23. The foregoing acts and omissions constitute unreasonable  
20 debt collection practices in violation of the doctrine of Invasion  
21 of Privacy. *Kuhn v. Account Control Technology, Inc.*, 865 F. Supp.  
22 1443, 1448-49 (D. Nev. 1994); *Pittman v. J. J. Mac Intyre Co. of*  
23 *Nevada, Inc.*, 969 F. Supp. 609, 613-14 (D. of Nev. 1997).

24       24. Plaintiff is entitled to recover actual damages as well  
25 as punitive damages in an amount to be proven at trial.

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1 JURY DEMANDED

2 Plaintiff hereby demands trial by a jury on all issues so  
3 triable.

4 WHEREFORE, Plaintiff prays that this Honorable Court grant the  
5 following relief:

6 1. Award actual damages.  
7 2. Award punitive damages.  
8 3. Award statutory damages of \$1,000 pursuant to 15 U.S.C.  
9 § 1692k.  
10 4. Award reasonable attorney fees.  
11 5. Award costs.  
12 6. Grant such other and further relief as it deems just and  
13 proper.

14 Respectfully submitted,

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